

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

TAMMIE DELONG, as Wife and Personal Representative )  
of the Estate of Joe Delong, Deceased, )  
Plaintiff(s), )

v. )

LINCARE HOLDINGS, INC., et al. )  
Defendant(s). )

Case No. CIV-23-840-PRW

**DECEMBER 2024 TRIAL DOCKET**

**SCHEDULING ORDER**

Date: 2/7/2024

☒ Jury Trial Demanded - ☐ Non-Jury Trial

**THE FOLLOWING DEADLINES ARE SET BY THE COURT**

**NOTE:** Except as otherwise specifically ordered by the assigned judge, this case will not be scheduled for a judicial settlement conference unless, not later than ten (10) days after the trial docket is published, the parties file a joint motion requesting a judicial settlement conference. The motion shall contain a certification by counsel that the parties have been advised of the motion and approve its filing. The motion shall further describe in detail the settlement efforts made and dispute resolution techniques previously used in the case.

1. Motions to join additional parties to be filed  
30 days from date of this order.
2. Motions to amend pleadings to be filed  
30 days from date of this order.
3. (a) Plaintiff to file a final list of expert witness(es)  
in chief and submit expert reports to defendant by  
10-01-2024.\*  
(b) Defendant to file a final list of expert witness(es)  
in chief and submit expert reports to plaintiff by  
10-11-2024.\*
4. (a) Plaintiff to file a list of witnesses together with  
addresses and brief summary of expected testimony  
where witness has not already been deposed by  
10-01-2024.\*  
(b) Defendant to file a final list of witnesses (as  
Described above) by 10-11-2024.\*
5. (a) Plaintiff to file a final exhibit list by 10-01-2024.  
Defendant to file objections to the plaintiff's final  
exhibit list, under Fed.R.Civ.P. 26(a)(3)(B), within  
(14) fourteen days thereafter.  
(b) Defendant to file exhibit list by 10-11-2024.  
Plaintiff to file objections to the defendant's final  
exhibit list, under Fed.R.Civ.P. 26(a)(3)(B), within  
(14) fourteen days thereafter.

**\*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit is included in the party's filed witness or exhibit list.**

6. Discovery to be completed by 11-01-2024.

7. *Daubert* motions to be filed by 11-01-2024.

8. All dispositive motions to be filed by 10-01-2024.

If the deadline for dispositive motions or *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.

9. Trial Docket: **DECEMBER 2024** \*\*

**\*\*Trial dockets generally begin the second Tuesday of each month; however, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.**

The interval between the dispositive motion deadline (§8) and the trial docket (§9) is relatively inflexible.  
**An extension of time to file or respond to a dispositive motion will likely affect the trial setting.**

10. Designation of deposition testimony to be used at trial to be filed by 11-14-2024.  
Objections and counter designations to be filed by 11-21-2024. Objections to counter-designations to be filed within seven (7) days thereafter.
11. Motions in limine to be filed by 11-14-2024.  
**[No replies to motions in limine shall be filed without leave of Court]**
12. Requested voir dire to be filed by 11-14-2024.
13. Trial briefs (optional unless otherwise ordered) to be filed by 11-14-2024.

14. Requested jury instructions to be filed on or before 11-14-2024.\*\*\*
15. Proposed findings and conclusions of law to be filed no later than 11-14-2024.\*\*\*

\*\*\*In addition to filing, the parties **ARE REQUIRED** to submit their proposed jury instructions or in non-jury cases the proposed findings and conclusions of law in **Word** format to the judge via the Court's designated mail box: **wyrick-orders@okwd.uscourts.gov**

16. Any objections or responses to the trial submissions referenced in §§ 10, 11, 12, 13 or 14 to be filed within seven (7) days thereafter.
17. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (see Appendix IV), together with a proposed order approving the report, to be filed by 11-14-2024.

18. This case is referred to ADR: ☐ Mediation, ☐ Judicial Settlement Conference  
☐ by agreement of the parties, with approval of the Court  
☐ by Order of the Court

If the case is referred to mediation or some other form of private ADR, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, no later than \_\_\_\_\_.

(ADR information and forms are available on the court's website at [www.okwd.uscourts.gov](http://www.okwd.uscourts.gov))

19. ☐ The parties consent to trial by Magistrate Judge.
20. ☐ Initial disclosure pursuant to Fed. R. Civ. P. 26 have been made;  
☐ are excused; or ☐ shall be made not later than \_\_\_\_\_.
21. Other: \_\_\_\_\_

Dated this 7th day of February, 2024.

BY ORDER OF THE COURT  
CARMELITA REEDER SHINN, CLERK

By: s/Kathy Spaulding  
Deputy Clerk